

**FILED**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

NOV 21 2014

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY MS  
DEPUTY CLERK

UNITED STATES OF AMERICA

vs.

FRANK EARL SIMS

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Criminal No. 7:10-CR-031-01 RAJ

**ORDER REVOKING SUPERVISED RELEASE and  
RESENTENCING OF DEFENDANT**

On this the 20<sup>th</sup> day of November, 2014, came on to be heard the Government's Motion for Revocation of Supervised Release granted by virtue of Judgment entered on April 4, 2013, in the above numbered and styled cause.

Defendant appeared in person and was represented by attorney of record, Damian Castillo. The United States was represented by Assistant United States Attorney, Bill Lewis.

After reviewing the motion and the records in this case as well as hearing testimony and arguments of counsel, the Court is of the opinion that said Defendant has violated the provisions of his Supervised Release and that the ends of justice and the best interests of the public and of the Defendant will not be subserved by continuing said Defendant on Supervised Release. Further, the Court is of the opinion that the Motion for Revocation of Supervised Release should be, and it is hereby **GRANTED**.

**IT IS THEREFORE ORDERED** that the term of Supervised Release of Defendant named above granted by the Judgment entered on April 4, 2013 , be, and it is hereby **REVOKED and SET ASIDE** and the Defendant is resented as follows:

**The Defendant, FRANK EARL SIMS , is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of Fifteen (15) months, with this sentence to run consecutively with any State sentence imposed. The Court recommends that the defendant be incarcerated at F.C.I. Seagoville or Florence, CO, and that he participate in an education program, a job training program, and a drug and alcohol abuse treatment program.**

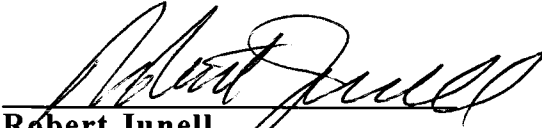
**A term of Twenty-four (24) months supervised release is imposed, with the following special conditions to be observed, as well as the General Conditions of the Western District of Texas.**

**1) The defendant shall participate in the Home Confinement Program for a period of One (1) year with Electronic Monitoring. During this time the defendant shall remain at his place of residence between the hours of 9:00 PM and 6:00 AM, except for employment and other activities including school approved in advance by the probation officer. The defendant shall maintain a telephone at his place of residence without "call forwarding," a "modem," caller ID," "call waiting," or portable cordless telephones for the above period. The defendant shall wear an electronic monitoring devise and follow electronic monitoring procedures specified by the probation officer. The Court further orders the defendant shall pay for the costs of Home Confinement, as directed by the probation officer.**

- 2) The defendant shall submit to an evaluation for mental health counseling as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a mental health program approved by the probation officer. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 3) The defendant shall participate in a substance/alcohol abuse treatment program which may include urinalysis testing as directed by the probation office. The defendant may be required to contribute to the costs of services rendered (co-payment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- 4) The defendant shall not be permitted to reside any place where firearms are possessed or stored.
- 5) The defendant shall abstain from the use of all intoxicants, including alcohol, marijuana, synthetic marijuana, and bath salts, during the term of supervision.
- 6) The defendant shall have no contact with his co-defendants, whether by phone, e-mail, fax, letter or in person, during the term of supervision.
- 7) The defendant shall provide a signed release for the probation officer to be able to view the defendant's medical records and discuss those records with his physician.
- 8) The defendant shall provide copies of prescriptions within 48 hours of receipt to probation officer.
- 9) The defendant shall not be permitted to take any prescriptions that have not been prescribed directly to him.

The Clerk will provide the United States Marshal Service with one (1) certified copy of this Order and one (1) certified copy of the Judgment entered on April 4, 2013 to serve as the commitment of the Defendant.

SIGNED this 21 day of November, 2014.

  
Robert Junell  
United States District Judge